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## FREEDOM IN THE WORLD

0

## Rwanda

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## RATINGS CHANGE:

Rwanda's civil liberties rating improved from 6 to 5 due to increasing critical commentary on social media, as illustrated by the unhindered online debates regarding Paul Kagame's presidential tenure.

## OVERVIEW:

In parliamentary elections held in September 2013, the ruling coalition—led by the Rwandan Patriotic Front (RFP)—was victorious, winning over 76 percent of the vote and taking 40 out of 53 elected seats in the lower house. Independent election observer missions found the elections to be generally peaceful, free and fair, though the ballot counting process was reportedly not fully transparent in some polling stations. An absence of opposition party agents at most polling locations was also noted, which increased the election's susceptibility to manipulation, though no major abnormalities were observed.

A comprehensive access to information law was passed in March 2013 that was regarded as exemplary in its scope and for its effort to enhance government transparency and accountability. A new media law enacted the same month was similarly lauded for expanding the rights of journalists, but also contained some provisions that threatened to limit press freedom.

In July 2013, amendments to a vague 2008 law against "genocide ideology" were passed that reduced penalties and aimed to make the law more definitive and easier to interpret. In addition, there were indications of an improving climate for free expression in Rwanda, particularly on social media platforms, where citizens have become more vocal in discussing and debating political topics.

Meanwhile, the Rwandan government continued to target human rights organizations in 2013, and was accused of employing infiltration tactics to dismantle organizations from within. In August, for example, the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) saw its independent leadership illegally ousted and replaced with individuals believed to be favorable to the government. Similar strategies have been

## 2014 SCORES

STATUS

Not Free

FREEDOM RATING  
(1 = BEST, 7 = WORST)

5.5

CIVIL LIBERTIES  
(1 = BEST, 7 = WORST)

5

POLITICAL RIGHTS  
(1 = BEST, 7 = WORST)

6

used against opposition political parties, and there are concerns that government crackdowns against critical voices may increase as the country prepares for the 2017 presidential elections.

Exiled opposition critics were increasingly threatened, attacked, forcibly disappeared, or even killed throughout the year, including Patrick Karegeya, the former head of Rwanda's external intelligence services, who was found dead in a Johannesburg hotel room on January 1, 2014.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

### **Political Rights: 9 / 40 (+1)**

#### **A. Electoral Process: 2 / 12**

Ethnic strife in Rwanda culminated in a 1994 genocide in which the majority ethnic Hutus killed as many as 1 million minority Tutsis and moderate Hutus. The genocide occurred amid a guerilla war waged by the Tutsi-dominated RPF against the Hutu-dominated government that saw war crimes committed by both sides and caused millions of Rwandan refugees to flee the country.

Rwanda's 2003 constitution marked the end of a transition that began the nation's post-genocide political period. The constitution grants broad powers to the president, who can serve up to two seven-year terms and has the authority to appoint the prime minister and dissolve the bicameral Parliament. The 26-seat upper house, the Senate, consists of 12 members elected by regional councils, 8 appointed by the president, 4 chosen by a forum of political parties, and 2 elected representatives of universities, all serving eight-year terms. The 80-seat Chamber of Deputies, or lower house, includes 53 directly elected members, 24 women chosen by local councils, 2 from the National Youth Council, and 1 from the Federation of Associations of the Disabled; all serve five-year terms. Parliament generally lacks independence, merely endorsing government initiatives.

Parliamentary elections were held in September 2013. As anticipated, the RPF-led coalition won, taking over 76 percent of the vote and 40 out of 53 elected seats in the lower house. Independent election observer missions found the elections to be peaceful, free, and fair, though the African Union observer mission noted that the ballot counting process, while "generally transparent," was not fully transparent in some polling stations. The East African Community (EAC) observer mission noted an absence of party agents from the opposition at most polling stations, which increased the election's susceptibility to manipulation, though the mission did not observe any abnormalities.

The most recent presidential election, held in 2010, was regarded as administratively acceptable, despite presenting Rwandans with only a limited degree of choice. With no serious challengers on the ballot, President Paul Kagame won reelection with 93 percent of the vote. As the country gears up for the next presidential election in 2017, Kagame has been rumored to be seeking reelection to a third term, which would require a constitutional amendment to repeal term limits.

**B. Political Pluralism and Participation: 2 / 16**

The constitution officially permits political parties to exist, but only under strict controls, while the charter's emphasis on "national unity" effectively limits political pluralism. The RPF dominates the political arena, and parties closely identified with the 1994 genocide are banned, as are parties based on ethnicity or religion, though the RPF is still Tutsi-dominated. These restrictions have been used to ban other political parties that might pose a challenge to RPF rule.

In July 2013, Parliament passed amendments to the law governing political parties and politicians that further limited political pluralism by giving the Rwanda Governance Board the power to register political parties. It also banned foreign funding to political organizations.

Eleven political parties were registered in advance of the September parliamentary elections. The opposition Democratic Green Party (DGP) registered for the first time in August after a four-year effort, though it opted out of the September polls due to the limited timeframe it had left to campaign. Five of the remaining 10 parties were part of the RPF's ruling coalition.

In recent years, the government has been suspected of infiltrating opposition parties in an attempt to dismantle or divide them. In October 2013, DGP leader Frank Habineza alleged that there was a plot to replace him with someone more closely aligned with the RPF. A similar tactic against the opposition Social Party-Imberakuri was reported in 2010 when the party's president, Bernard Ntaganda, was ousted and replaced with a putatively more amenable leader. Ntaganda was subsequently arrested a few weeks prior to the 2010 presidential election; in 2011, he was tried and sentenced to four years in prison for threatening state security and fomenting "divisionism." The Supreme Court upheld these charges in April 2012.

In advance of the August 2010 presidential poll, the government prevented new political parties from registering and arrested the leaders of several other parties, effectively preventing them from fielding candidates. The most credible opposition candidate, Victoire Ingabire, the leader of the United Democratic Forces-Inkingi (FDU-Inkingi), was arrested on charges of denying the genocide and collaborating with a terrorist group. Kagame went on to win the election with an overwhelming majority. Ingabire was arrested again in October 2010 for allegedly engaging in terrorist activities and, after a year-long trial, was sentenced in October 2012 to eight years in prison. She launched an appeal against her conviction in April 2013.

Opposition critics residing outside of Rwanda have also been increasingly threatened, attacked, forcibly disappeared, or even killed. In August 2013, three former members of the Rwandan security forces living in exile went missing on separate occasions, including Kagame's former bodyguard Joel Mutabazi who had previously escaped a bungled abduction and survived an assassination attempt in July. He had been accused of having close ties with a prominent government critic living in South Africa. Pascal Manirakiza, another Rwandan asylum seeker in Uganda, was found unconscious a few days after his abduction at a cemetery near Kampala with

serious injuries that indicated torture. The third abductee, Innocent Kalisa, remained missing as of December 2013. Meanwhile, on January 1, 2014, Patrick Karegeya, the former head of Rwanda's external intelligence services in exile known for his public criticisms of Kagame's government, was found dead in a hotel room in Johannesburg.

### **C. Functioning of Government: 5 / 12 (+1)**

Government countermeasures have helped limit corruption, though graft remains a problem. In recent years, a number of senior government officials have been fired and faced prosecution for alleged corruption, embezzlement, and abuse of power. Government institutions focused on combating corruption include the Office of the Ombudsman, the auditor general, and the National Tender Board. Rwanda was ranked 49 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index. Rwanda is characterized as one of the least corrupt countries in Africa.

A comprehensive access to information law was passed in March 2013 that was praised for its scope and for its effort to enhance government transparency and accountability.

## **Civil Liberties: 17 / 40 (+1)**

### **D. Freedom of Expression and Belief: 5 / 16 (+1)**

The RPF has imposed both legal restrictions and informal controls on freedom of the press and expression. A vague 2008 law against "genocide ideology" prescribes heavy prison sentences and fines for an overly broad set of offenses. Amendments were passed in the lower house in July 2013 that aimed to make the law more definitive and easier to interpret; they also reduced prison sentences from 25 years to a maximum of 9, and required proof of criminal intent behind an offending act. A new media law was enacted in March 2013 that was lauded for expanding the rights of journalists and recognizing freedom for online communications. However, the new law also threatened to limit press freedom, including a provision that created a new government body with the power to set conditions for both local and foreign media outlets to operate in Rwanda.

The government has continually been accused of intimidating independent journalists. In February 2011, *Umurabyo* newspaper journalists Agnès Uwimana Nkusi and Saïdati Mukakibibi were sentenced to 17 and 7 years in prison, respectively, for denying the genocide, inciting civil disobedience, and defaming public officials based on a 2009 article that criticized the president. Nkusi and Mukakibibi appealed their case in January 2012, and in April 2012, the Supreme Court reduced their sentences to four and three years, respectively. In November 2012, the editor of the Kinyarwanda-language paper *Umusingi*, Stanley Gatera, was found criminally liable for a controversial opinion piece published in June 2012. He was fined and sentenced to one year in prison for gender discrimination and inciting "divisionism;" an appellate court upheld the sentence in March 2013.

Rwanda's repressive media environment has led many journalists to flee the country and work in exile, though exiled opposition journalists and activists have also been subject to extralegal intimidation and violence. In November 2011, Charles Ingabire, editor of the Uganda-based online publication *Inyenyeri News* and an outspoken critic of the Kagame regime who fled Rwanda in 2007 due to threats, was shot dead in Uganda. His murder remained unsolved at the end of 2013. Meanwhile, there are increasing indications that e-mail and other private communications are being monitored. In August 2012, the lower house adopted amendments to the 2008 Law Relating to the Interception of Communications that expanded the surveillance and interception capabilities of security authorities.

Nevertheless, there is some indication that the ability of Rwandans to express themselves freely is increasing, particularly on social media platforms, where citizens have become more vocal in discussing and debating political topics such as Kagame's tenure. The government reportedly monitors online communications, and government censorship of online content has increased in recent years. In 2013, the weekly English-language newspaper, the *Chronicles*, was suspended, affecting both its print and online versions. The independent newspaper *Umuwugizi* frequently faced website blackouts since its 6-month suspension in 2010, and a few opposition sites continued to be blocked on some ISPs, including *Umusingi* and *Inyenyeri News*, which were both first blocked in 2011.

Religious freedom is generally respected, though relations between religious leaders and the government are sometimes tense, in part because of the involvement of clergy in the 1994 genocide. In July 2013, 11 members of a breakaway Catholic group were arrested for staging an allegedly illegal demonstration in front of the presidential residence. The group was urging the president to make political reforms.

Fear among teachers and students of being labeled "divisionist" restrains academic freedom. Following parliamentary commission reports on divisionism from 2004 and 2008, numerous students and teachers were expelled or dismissed without due process.

#### **E. Associational and Organizational Rights: 2 / 12**

Although the constitution codifies freedoms of assembly and association, these rights are limited in practice. Registration and reporting requirements for both domestic and foreign nongovernmental organizations (NGOs) are known to be excessively lengthy and onerous, and activities that the government defines as "divisive" are prohibited. Several organizations have been banned in recent years, leading others to refrain from criticizing the RPF, though civil society organizations that do not focus on sensitive subjects such as democracy and human rights are able to function without direct government interference. The government has been accused of employing infiltration tactics against human rights organizations similar to those used against opposition political parties. In August 2013, for example, the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) saw its independent

leadership illegally ousted and replaced with individuals more favorable to the government.

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike. However, public workers are not allowed to unionize, and employees of the many “essential services” are not allowed to strike. The International Trade Union Confederation reported that although a 2009 labor code improved workers’ rights, the government continues to pressure unions in indirect ways.

#### **F. Rule of Law: 3 / 16**

Recent improvements in the judicial system include an increased presence of defense lawyers at trials, improved training for court staff, and revisions to the legal code, but the judiciary has yet to secure full independence from the executive. In January 2013, Rwanda signed the Protocol to the African Charter on Human and Peoples’ Rights, which allows individuals and NGOs to take cases before the African Court on Human and People’s Rights based in Arusha, Tanzania.

The community-based *gacaca* courts officially completed their work in June 2012 after prosecuting hundreds of thousands of people accused of being involved in the genocide. The courts faced criticism from legal experts over their failure to address genocide-era crimes allegedly committed by the RPF, and because they routinely tried politically motivated cases. The national criminal court system, meanwhile, continued to try special cases of those accused of more serious crimes related to the genocide, including those transferred from the International Criminal Tribunal for Rwanda (ICTR). By the end of 2013, the ICTR had completed cases against 75 individuals, sentencing 46—of which 17 are being appealed—and acquitting 12. The ICTR aims to complete its work by the end of 2014. In February 2012, an international crimes chamber was created within Rwanda’s High Court to prosecute extradited suspects.

Individual police officers sometimes use excessive force, and local officials periodically ignore due process protections. The construction of new prisons during the past decade has improved prison conditions, even as the *gacaca* trials increased the prison population. Nevertheless, alleged dissidents have been increasingly subject to unlawful imprisonment, torture, and ill-treatment in secret military detention centers.

Equal treatment for all citizens under the law is guaranteed, and legal protections against discrimination have increased in recent years. In practice, however, the Tutsi minority group is often accused of being given preferential treatment for high-ranking jobs and college scholarships under the pretext of an affirmative action program for “genocide survivors.” A national identity card is required when Rwandans wish to move within the country, but these are issued regularly and no longer indicate ethnicity.

Same-sex conduct and sexual orientation is not criminalized in Rwanda, though social stigma still exists for sexual minorities.

**G. Personal Autonomy and Individual Rights: 7 / 16**

Rwanda was ranked 52 out of 185 countries on the World Bank's 2013 ease of doing business index, placing it third-best in sub-Saharan Africa. The country also ranked third-best in sub-Saharan Africa, and 66 out of 148 economies, in the World Economic Forum's Global Competitiveness Report 2013-2014, indicating the existence of relatively well-functioning institutions and a low level of direct government control over the economy.

There are no restrictions on property rights, freedom of travel, or choice of employment, residence, or institution of higher education, though Hutus often face unofficial discrimination when seeking public employment or government scholarships.

The 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament; women currently fill 10 of the 26 Senate seats and 51 of the 80 seats in the Chamber of Deputies. Legislation has strengthened women's rights to inherit land; however, de facto discrimination against women continues. Domestic violence is illegal but remains widespread.

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